

## **International Security and the annexation of Crimea: the Incident of Azov**

The subject of the annexation of Crimea by the Russian Federation raises a wide range of international security issues:

- (1.) differences in approaches to strategy and security;
- (2.) the issue of fakenews or media disinformation;
- (3.) the possible escalation of “quality” of armaments and the potential nuclear question;
- (4.) crisis management, military operations and humanitarian mission.

An analysis of these issues yields insights into ways to overcome current failures to advance the mutual security of both Russians and Ukrainians. This to achieve lasting peace and stability for the region.

### **1. Background**

What happened to Crimean peninsula has hit the entire international community and was defined a "new cold war"<sup>1</sup>. In order to better understand the status of the Crimea and the events that devastated Ukraine in 2014, it is necessary to retrace some of the highlights of the peninsula's history. For almost three hundred years, the majority of the population lived under the domination of the Ottoman Empire and the majority of the inhabitants of the peninsula were (and still are) of Tatar ethnicity.

The situation of Crimean peninsula was stifled until 2002, year when new presidential elections were held and Viktor Fedorovych Janukovyč was called to lead the new national government. He, together with former Prime Minister Juščenko, proved to be the main protagonist of Ukrainian history during the so-called "Orange Revolution".

The seeds of the first real Ukrainian revolution, the "Orange Revolution" was held during the 2004 presidential elections. The two contenders (Janukovyč and Juščenko) were divided by their foreign policy programmes. Juščenko hoped for Ukraine's rapprochement with the European institutions and was, therefore, accused by his opponent of being anti-Russian and of having forgotten Russia's contribution to the overthrow of Nazi-Fascism. Russia therefore sided in favour of Janukovyč, also fearing that Ukraine would become a full member of NATO<sup>2</sup>.

In the 2010 elections, Viktor Janukovyč and Julia Tymošenko were the main contenders. The outgoing president was now completely discredited in the eyes of public opinion, as was Tymošenko, who had left the country in a serious economic crisis. Janukovyč's weapon was once again the nationalism, combined with the issue of the Russian language. Janukovyč was again the winner.

In the first years of his second term, Janukovyč continued to show himself as a champion of the Russian language, continuing with substantially anti-Ukrainian choices. His pro-Russian policy culminated in November 2013 when Prime Minister Azarov, supported by the President, stopped the process of preparing the Association Agreement with the European Union that would create a free trade area between the EU and Ukraine. Janukovyč's decision to abandon the agreement with the EU soon split public opinion till to blow up in the “Euromaidan”<sup>3</sup> protest. Things got worst with the election of Poroshenko and Janukovyč escape.

1 Euronews, NATO: Towards a new Cold War? [Press Release], 2014

2 NATO: Partnership for Peace; <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-organizations/nato.html>

3 Yuri Kozyrev; Why did Ukraine's Euromaidan protests begin? February 23, 2014 <https://www.opensocietyfoundations.org/explainers/understanding-ukraines-euromaidan-protests>

The new leader decided to promote a referendum that would decide the fate of the Crimea, proposing two options: to establish the Crimea as an independent republic or to ask for its annexation to Russia. Thus, there was no possibility of voting to maintain the status of an autonomous republic of the Ukrainian state. According to official data<sup>4</sup> provided on the same evening 95,5% of the population opted for the annexation option.

In this context of events, the first direct military confrontation between the Russian and Ukrainian armed forces, since the beginning of the conflict, took place the 25 of November 2018.

Until that moment, Russia claimed that the conflict was essentially an internal conflict within Ukraine, although it admitted at the end of 2015 the Russian military presence in the eastern territories of the country, controlled by the rebels<sup>5</sup>.

According to the group of experts of the "International Centre for Defence Studies", since the Orange Revolution of 2004, Russia has been lobbying against Ukraine, which was increasingly associating itself with the West<sup>6</sup>.

We can therefore deduce that the Crimean crisis of 2014 was a political crisis erupted in the Crimean Peninsula, whose population is predominantly ethnic Russian, which led to the separation of the peninsula from the rest of Ukraine following local unrest and Russian military intervention. Russia is opposed to Ukrainian integration with the West for various reasons, including fear of NATO's expansion to Russia's western borders<sup>7</sup> and Russia's stated desire to include Ukraine in a Eurasian Union<sup>8</sup>.

After a politic escalation, in 2014, the Crimean local government refused to recognize the new government and the new Ukrainian president. In the face of the new political situation that has emerged, the local government has declared its willingness to separate from Ukraine by calling the people of Crimea to a referendum: the result of the consultation saw a very high majority of the independentist option (with more than 97% consensus on the total number of voters) but the legitimacy of this referendum, however, is rejected by the countries of the European Union, the United States of America and 71 other UN member states (UN General Assembly Resolution 68/262) who consider it in violation of international law and the Constitution of Ukraine, while the referendum is considered valid by Russia.

As reported from the European Policy Center: *"on 25 November 2018, Russian vessels rammed, fired on, and seized three Ukrainian Navy vessels at the entrance of the Kerch Strait which connects the Black Sea and the Sea of Azov. 24 Ukrainian sailors were captured, among which six were injured. The ports are important for Ukraine's economy. In 2017, 25% of Ukraine's metal exports went through the two ports. Heightened security concerns will increase insurance costs for vessels. A growing mistrust in the security of the route could ultimately result in the closure of the Azov ports for shipping. Furthermore, in the wake of the attack, Russia temporarily closed navigation to non-Russian traffic through the strait. Closing the strait to transit, even temporarily, reinforces Russia's claims on Crimea and Ukraine's inability to prevent it"*.

These facts heightened international attention on the issues of the security situation, humanitarian aid and international equilibrium.

4 Crimea referendum: Voters 'back Russia union', 16 March 2014, <https://www.bbc.com/news/world-europe-26606097>

5 Shaun Walker, Putin admits Russian military presence in Ukraine for first time. The Guardian. 17 dicembre 2015 <https://www.theguardian.com/world/2015/dec/17/vladimir-putin-admits-russian-military-presence-ukraine>

6 *Crimea – The Achilles' Heel of Ukraine*, International Centre for Defense Studies, <https://web.archive.org/web/20110726094125/http://www.icds.ee/fileadmin/failid/Merle%20Maigre%20-%20Crimea%20the%20Achilles%20Heel%20of%20Ukraine.pdf> 2008

7 Marina Koren, *What Putin Fears Will Happen in Ukraine*, in *National Journal*, <https://www.nationaljournal.com/s/61163> 05/03/ 2014

8 Will Englund, Despite its problems, Ukraine is a prize for Russia, Europe in *The Washington Post*, [https://www.washingtonpost.com/gdpr-consent/?next\\_url=https%3a%2f%2fwww.washingtonpost.com%2fworld%2fdespite-its-problems-ukraine-is-a-prize-for-russia-europe%2f2014%2f03%2f02%2ff009459e-a263-11e3-84d4-e59b1709222c\\_story.html](https://www.washingtonpost.com/gdpr-consent/?next_url=https%3a%2f%2fwww.washingtonpost.com%2fworld%2fdespite-its-problems-ukraine-is-a-prize-for-russia-europe%2f2014%2f03%2f02%2ff009459e-a263-11e3-84d4-e59b1709222c_story.html) 02/03/2014

9 Amanda Paul, European Policy center, The Sea of Azov should not become a Russian lake <https://www.epc.eu/en/Publications/The-Sea-of-Azov-should-not-become-a-Russian-lake~1e8a5c>

## 2. Approaches to Security

States tend to be realist in their concept of security. Russia sees security threats as primarily being military in nature and sees the military as the main appropriate tool for responding to security threats for the Russian population (in fact, Russians have de facto the control of the Crimean territory). The main subject of security is the annexation of Crimea, the future security of Ukrainians and the possible escalation of the conflict in the region.

According to the words of Russian President Vladimir Putin, and even more of Foreign Minister Lavrov, the Russian intervention in Ukraine was determined by the need to protect the property and lives of Russian citizens living in the Crimea and other eastern parts of Ukraine -by the repressive measures taken by the new government in Kiev against opponents after the clashes in Majdan Square- as well as by the additional need to defend vital interests Russia has in those areas<sup>10</sup>.

The military intervention carried out by Russia in Ukraine, seems to integrate the Barry Buzan perspective of securitization: “*Action politique justifiée par l’existence d’une menace, dérogeant aux procédures routinières, par laquelle est accrue la priorité accordée à une politique donnée*”<sup>11</sup> but also the violation of certain established principles of general international law, in particular those prohibiting the use or the threat of the use of force in interstate relations, as also enshrined in Article 2 of the UN Charter<sup>12</sup>.

While the securitization of Russian’s population may assist the Russian propaganda, using Buzan’s analysis, this contributes to a worsening of a security dilemma for Ukraine. Under such analysis, the Crimea security dynamic is constructed by mutual perceptions rather than objective and realization of this intersubjectivity is needed to find solutions that escape a perpetual conflict. Buzan also brings an interesting focus on the regional level of security, though an emphasis on the “Regional Security Complex (RSC).”

Under this analysis, an RSC could exist with the security of Ukraine and all the former Soviet Socialist republics (Moldova, Estonia, Latvia, Lithuania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Russia, Armenia, Azerbaijan, Georgia) intertwined but de facto the economic, military, cultural and geographic power of Russia make impossible the existence of a proper RSC defined under Buzan’s analysis.

Several times the Russian Federation has been accused of orchestrating the riots that broke out in the area since the end of March, although it has repeatedly denied any kind of relationship with them. A significant number of Russian citizens and military personnel fought in this war as volunteers, which even the leaders of the DPR and LPR themselves admitted.

This is a fact, although it is not sufficient to hold the Russian Federation responsible for an aggression against the Ukrainian state, since we are talking about units that voluntarily decided to take part in the hostilities without any such request or imposition from the Moscow authorities. However, the presence of Russian soldiers in the area has gradually increased in step with the open recruitment of forces in a large number of Russian cities. In this context, we also have to take into account the difficulties to organize the humanitarian aid. It requires concerted action by numerous actors. Around the world, the United Nations is mandated to play a central role in inter-agency coordination of humanitarian assistance.

In this context, following the outbreak of the crisis, the UN Office for the Coordination of Humanitarian Affairs (OCHA) established a presence in Ukraine in 2014. By September 2015, OCHA has staff in Kyiv and in field offices in Donetsk, Kramatorsk, Kyiv, Luhansk, Mariupol and Sievierodonetsk<sup>13</sup>. The humanitarian response is coordinated within eight clusters currently operational in Ukraine: Shelter, Protection, Health and Nutrition, Education, Water, Sanitation and Hygiene, Early Recovery and Livelihoods, Food Security and Logistics cluster partners operate across the country, with particular focus on eastern Ukraine and

<sup>10</sup> Foreign Minister Sergey Lavrov’s statement and answers to media questions at a news conference on Russian diplomacy in 2017, Moscow, January 15, 2018 [https://www.mid.ru/en/foreign\\_policy/news/-/asset\\_publisher/ckNonkJE02Bw/content/id/3018203](https://www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/3018203)

<sup>11</sup> Michel Liégeois, La sécurisation (course slide) (2010), quoting Barry Buzan (also found on p. 27 of Liégeois, Stratégie et sécurité internationale)

<sup>12</sup> Article 2 of the UN Charter.

<sup>13</sup> United Nations website; <http://www.un.org.ua/en/resident-coordinator-system/humanitarian-response>

especially on areas close to the 'contact line' and beyond government control. Cluster partners carry out joint assessments and response<sup>14</sup>.

Such approach could conceivably arrive at non-zero sum solutions that meet the security objectives of both sides preventing an escalation of the conflict to the whole area and ensuring the human rights of the people of Crimea to receive humanitarian aid.

Last but not least, there is also the question of the security of European gas supply.

"The Ukrainian conflict and Russia's annexation of Crimea is ultimately not about energy, but about power. However the crisis encompasses major and often overlooked energy dimensions of Russia's destabilisation strategy. For the Kremlin, Russia's energy sector is the most important commercial asset and economic pillar of its domestic stability and foreign policy leverage. Between 2000 and 2012, the government's dependence on oil and gas sector revenues increased from 47 to 50 per cent of its state budget, and accounts for roughly 25 per cent of Russia's GDP. Western economic and energy experts have often claimed a mutual interdependence between the EU and Russia: the EU is dependent on Russian gas and other energy exports; Russia is dependent on the EU as its most important gas export market, European investments and technologies. But Russian siloviki (officials from the security sector) have always called this an "asymmetric interdependency". This is because, while Russia can live at least one year without any European/Western investments and technologies, Europe cannot survive even 30 days without Russian gas<sup>15</sup>.

### 3. War

Everything started in the Kerč' strait, the one between the Azov Sea and the Black Sea, a strip of sea where the bridge connects Russia to the Crimea. Two military ships and a Ukrainian tugboat were intercepted, hit and seized by the Russian navy. Fortunately, there were no victims in the firefight, but only a few injured Ukrainian crew members.

The Kerch Strait is the only passage to and from the Black Sea. On the Azov Sea formally - under a treaty<sup>16</sup> signed in 2003 - both Russians and Ukrainians have the right of navigation and the waters are considered international waters. The Strait, on the other hand, is a more complicated matter because the Russians have been controlling both sides since the Crimea proclaimed independence from Kiev with the referendum of annexation to the Russian Federation. Moreover, in 2014 Russia built a 20 km long bridge that physically connects Russia to the Crimean peninsula.

Accident sought? New reason for reaffirmation for Moscow?

What happened is only the culmination of a strategy of tension that has been mounting for some time. The Russian authorities have in fact decided to militarize the Sea of Azov (in response to the provocations in Kiev, they say). However, what had been happening was that the merchant ships sailing from Mariupol were blocked for "checks" by Russian inspectors. Controls that considerably slow down Ukrainian commercial traffic. For their part, however, the Russians consider the circulation of Ukrainian ships into the Sea of Azov to be a threat.

In one hand, the Azov incident highlights a number of elements with important implications for the conflict. Russia, in fact, considers the waters around the Crimea as Russian territorial waters and aims to make the Sea of Azov an exclusive domain of Russia. Ukraine, on the other hand, fears not only the actual loss of access to the Azov Sea but also the risk that the same tactics of intimidation and gradual enlargement will then be applied to other part of the territory.

14 Idem

15 Dr. Frank Umbach, *Nato Review*, 09 May 2014 Russian-Ukrainian-EU gas conflict: who stands to lose most? <https://www.nato.int/docu/review/articles/2014/05/09/russian-ukrainian-eu-gas-conflict-who-stands-to-lose-most/index.html>

16 Agreement signed the 24 of december of 2003

Undoubtedly, a number of issues concerning the “Incident of Azov” center on the question of the legacy of Russian action under international law.

A large part of the basis of international law (The Hague and Geneva Conventions as well as customary international law) arose out of a Clausewitzian framework of war as massive conflict between states for a duration that is not indefinite. The laws of war were created to regulate state action in these specific circumstances.

Considering the Sun Tzu framework, the control of the sea (besides the “quantitative” and “qualitative” difference in armaments) would impact the center of gravity and can justify the risk to break the international rules and to expose the Country to sanctions for reprisal.

Under Sun Tzu, war is not separate from politics. War should be conducted under the political control with the goal of using cunning to lead the enemy and avoid direct combat, to lay down arms or to surrender even before having started to fight.

As explained by Jacques Fontanel, during the Conference at UNECON State University of Economy: *You have to know how to win a war without fighting or do it at least gently, in relation to the importance of long-term issues. In 2019, Crimea is ruled by Russia. Major sanctions were taken against Moscow, but logistically Russia recovered the Crimea and thus protected the port of Sevastopol, their large military base turned directly to the “hot seas”.*

No doubt Russia still suffers retaliatory measures from NATO allies, but the Crimea question seems set for the coming decade, it is an integral part of Russian territory. Overall, the situation is rather favourable for President Putin, both in terms of security and in economic terms. Today, in 2019, President Donald Trump talks about easing sanctions against Russia, while a few months ago, opposed to the North Stream, he had considered increasing pressure on Moscow by new economic measures. In the long term, the annexation of Crimea seems today no longer to pose significant problems in international relations.

The strategies advocated by Sun Tzu, 6 centuries before Christ, seem to have been retained by the master of the Kremlin<sup>17</sup>. The annexation of Crimea to Russia has been the subject of economic retaliation measures mainly by NATO members. Putin has used the lessons of Sun Tzu to achieve a result that, on the side of Russia, is globally positive; since the question of the return of Crimea to Ukraine is hardly mentioned anymore. In this context, we realize that Russia has suffered some negative effects on its growth, but it has considerably improved the conditions of its national security and its patrimony and heritage<sup>18</sup>.

#### 4. The Nuclear Question

“The news media and private web sites are full of rumors that Russia has deployed nuclear weapons to Crimea after it invaded the region earlier this year. Many of these rumors are dubious and overly alarmist and ignore that a nuclear-capable weapon is not the same as a nuclear warhead.

U.S. General Philip Breedlove, has confirmed that Russian forces, capable of being nuclear; are being moved to the Crimean Peninsula, but also acknowledged that NATO doesn’t know if nuclear warheads are actually in place. Recently Russian Deputy Foreign Minister Alexei Meshkov said that NATO was “*transferring aircraft capable of carrying nuclear arms to the Baltic states,*” and Foreign Minister Sergei Lavrov reminded that “*Russia has the right to deploy nuclear weapons anywhere on its territory, including in newly annexed Crimea. Whether intended or not, non-strategic nuclear weapons are already being drawn into the new East-West crisis*”<sup>19</sup>

The apparent plan to deploy Backfires in Crimea is questionable because the intermediate-range bomber doesn’t need to be deployed in Crimea to be able to reach potential targets in Western Europe but of course have a crucial media importance. If Ukraine (or any ally) were to attack Russia directly, it would not

17 Jacques Fontanel. War and economy. Putin and Sun Tzu. Guerre et économie, Sep 2019, Saint-Petersbourg, Russia. P.2

18 Idem

19 Hans M. Kristense; Federation of American scientists, Rumors About Nuclear Weapons in Crimea <https://fas.org/blogs/security/2014/12/crimea/>

only face a disproportionate firepower but also the fear (and threat) of a potential nuclear attack. This would be destructive for the Country, the neighboring regions and the civils. At the same time, they can only react militarily because the “Azov attack” represents a clear threat to national interests without taking into account that a failure to respond would also undermine credibility in any potential future action. This overall dynamic exacerbates the security dilemma within this Regional Security Complex.

## **5. Crisis Management**

If in one hand we can consider the annexation of the Crimea (favoured by the presence of Russian troops and civils) in violation of the international rules and an attack to the sovereignty and territorial integrity of Ukraine; in the other hand, it's more complicated to define it as an aggression. This hypothesis of armed attack, if established, would justify the exercise of the legitimate defense of Ukraine as a result of its response. This crisis has most of the typical attributes of conflict. To begin, the conflict is asymmetric: as we could see, Russia has definitely more power than Ukraine in a number of ways. Russia is more powerful militarily and economically and it has a big nuclear power. Russia is better positioned geographically, with larger territory and greater access to the sea (especially after the Incident of Azov).

One area where Ukraine have an advantage is the numerical support among UN member states: this gives its authorities an advantage in the UN General Assembly (despite the big advantage of the VETO mechanism for Russians<sup>20</sup>) and in the UN Human Rights Council.

Secondly, the conflict is semi-iterative: while particular situations have unique circumstances, patterns of conflict repeat themselves, precedents are established, minimal rules of the game exist and the parties have strongly developed reputations. All of this provides a cognitive prism through which the actors view each other in this interactive process. The cognitive biases that have accumulated through this process led directly to the failure in the ability to communicate in the Crimea annexation.

Putin defended the full international legitimacy of the Unilateral Declaration of Independence made by the Crimean Parliament (and the confirmatory referendum) appealing to the principle of self-determination of peoples as recognised by the United Nations Charter<sup>21</sup>. After this incident, the Ukrainian President Petro Poroshenko convened his Military Council talking about "aggression" by Russia and there were also clashes along the border line between the Ukrainian army and the separatist forces supported by Moscow. The Ukrainian's answer was the instauration of the martial law and the appeals to NATO, Europe and directly to the American administration to shield themselves against the Russian expansionism.

New sanctions are unlikely to be added to existing measures in the short term. However, the crisis is making the normalization of relations between Moscow and Brussels even more complicated, putting the economic cooperation that several European countries have with Russia in a bad light, in particular the megaproject NordStream2<sup>22</sup>, strongly supported by the Russian state-owned energy company Gazprom and Germany.

Many important aspects of conflict resolution are lacking from this conflict. For coercive diplomacy, to be effective there needs to be a limitation of objectives and means employed. The naval blockade of Azov can have a large-scale impact on the regional equilibrium.

Ukraine needs to have a stronger coordination of diplomatic and military actions under an integrated strategy. This seems to be lacking as security actions have on several occasions turned only into economic sanctions.

## **6. Conclusion**

To conclude, what happened between Russia and Ukraine has been one of the biggest crises of recent decades and the conflict has caught the international attention. This conflict can face a facile characterisations of the situation, rather than recognising the complexity and contestation of many of the key drivers of the

<sup>20</sup> Somini Sengupta; the New York Times, Russia Vetoes U.N. Resolution on Crimea, March 15, 2014 <https://www.nytimes.com/2014/03/16/world/europe/russia-vetoes-un-resolution-on-crimea.html>

<sup>21</sup> Cfr. art. 1 par. 2, et art. 55 de la Charte de l'Onu

<sup>22</sup> Euractiv.com; Zelenskiy slams Nord Stream 2 as Ukraine seeks LNG gas from the US <https://www.euractiv.com/section/energy/news/zelenskiy-slams-nord-stream-2-as-ukraine-seeks-lng-gas-from-the-us/>

conflict. As the fragmented nature of this literature review has demonstrated, the field has not yet developed a clear set of analytical debates that define the topic. The dominant debate to be blamed is unresolvable. The bigger question is how much, and to what extent, we consider such ambitions legitimate? How legitimate is it to injure the interests of the region's other states in order to serve Russia's? One suspects that the 'legitimacy' claim does us little good, because it runs head on into other legitimate claims<sup>23</sup>.

The Incident of Azov illustrates the complexities and dilemmas between Russia, Ukraine and the international community in seeking peace and security through conflict resolution. There is a need for all sides to apply different analytical approaches to escape the cycle of conflict that occurs due to:

- the securitization of the region;
- the use of traditional military approaches in low intensity conflicts (and the treat to an escalation);
- the underestimation of the importance of the Regional Security Complex (and the constant dichotomy between east and west);
- the cognitive biases that institutionalize the conflict and the lack of an integrated strategy for the range of diplomatic, military and economic actions.

There is a fundamental need for all parties to address these issues collectively for peace ever to be achieved.

<sup>23</sup> Taras Kuzio and Paul D'Anieri, Jun 16 2018, The Causes and Consequences of Russia's Actions towards Ukraine <https://www.e-ir.info/2018/06/16/the-causes-and-consequences-of-russias-actions-towards-ukraine/>